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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,751	02/03/2004	Masumi Ishiwatari	1232-5275	3652
27123	7590	07/28/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NGUYEN, SIMON	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,751

Applicant(s)

ISHIWATARI, MASUMI

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,8,10 and 12-16 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,9 and 11 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. (6,225,916) in view of Miyazaki (JP 406153281 A).

Regarding claim 17, Sugimoto discloses a remote control system (abstract, fig.5), comprising: a remote controller (200); and a controlled apparatus (300, 310), wherein the remote controller comprises; key switch (fig.5) and a transmitting device for repeatedly transmits a control signal corresponding to a key switch (abstract, column 4 lines 1-29, column 7 line 5 to column 8 line 10. However, Sugimoto fails to teach inhibiting the transmission of the control signal with respect to reception of a predetermined signal from the controlled apparatus.

Miyazaki discloses the step of inhibiting the transmission of the control signal with respect to reception of a predetermined signal from a controlled apparatus (abstract, constitution). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Sugimoto, modified by Miyazaki in order to reduce the power consumption.

Regarding claims 6, 9, 11, these claims are rejected for the same reason as set forth in claim 1.

Regarding claim 2, Miyazaki discloses the remote controller and the controlled apparatus communicates with each other by an infrared light (abstract).

Allowable Subject Matter

3. Claims 3-5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3-5, Sugimoto discloses the controlled apparatus (reception controller) determines whether the same control signals are repeatedly transmitted and interrupted a CPU in order to check or compare the signal.

The prior art of record fails to teach the controlled apparatus transmitting an inhibiting instruction signal for inhibiting a remote controller from repeatedly transmitting the control signal if the control signals are the same control signals.

4. Claims 7-8, 10, 12-16 are allowed.

Regarding claims 7-8, 10, 12, the prior art of record fails to teach the controlled apparatus transmitting an inhibiting instruction signal for inhibiting a remote controller from repeatedly transmitting the control signal if the control signals are the same control signals/

Regarding claims 13-16, the prior art of record fails to teach or suggest a determination device in a remote control for determining whether the control signal is suitable for repeated control when an acknowledgement signal indicative of reception of control signal is returned from the controlled apparatus in order to allow or inhibit repeatedly transmitting the control signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

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Simon Nguyen

July 24, 2006

A handwritten signature in black ink, appearing to read 'S. Nguyen'.

**SIMON NGUYEN
PRIMARY EXAMINER**